

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JAMIE MARTELLI, individually and on behalf of  
all others similarly situated,

Plaintiff,

v.

RITE AID CORPORATION,

Defendant.

Civil Action No. 7:21-cv-10079-PMH

**STIPULATED ORDER**

WHEREAS Plaintiff Jamie Martelli filed a Class Action Complaint on November 25, 2011 (ECF Doc. No. 1);

WHEREAS Defendant Rite Aid Corporation (“Rite Aid”) filed its request for a Pre-Motion Conference for its anticipated Motion to Dismiss Plaintiff’s Class Action Complaint on May 18, 2022 (ECF Doc. No. 8);

WHEREAS Plaintiff filed her response to Rite Aid’s request for a Pre-Motion Conference on May 25, 2022 (ECF Doc No. 10); and

WHEREAS the Court having held the Pre-Motion Conference on Rite Aid’s anticipated Motion to Dismiss on June 9, 2022;

IT IS HEREBY ORDERED that Plaintiff’s Claim for Injunctive Relief stated in the second WHEREFORE clause of the Class Action Complaint is dismissed with prejudice;

ORDERED that all claims, except for the New York General Business Law §§ 349 and 350 claims, in Plaintiff’s Class Action Complaint are dismissed without prejudice; and

ORDERED that Rite Aid shall serve its Motion to Dismiss Plaintiff's Class Action Complaint no later than June 17, 2022, Plaintiff shall serve her Opposition to Rite Aid's Motion to Dismiss no later than June 30, 2022, Rite Aid shall serve its Reply in Support of its Motion to Dismiss no later than July 15, 2022, and each party will file its respective papers with the Court on July 15, 2022.

Dated: June 10, 2022

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*Attorneys for Defendant.*

Dated: June 10, 2022

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*Attorneys for Plaintiff.*

IT IS SO ORDERED.

Dated: White Plains, New York  
June 10, 2022



Philip M. Halpern  
United States District Judge